

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: VANCE FAMBER, JR. { CHAPTER 13
DEBTOR(S) { CASE NO. R21-41187-PWB
{ JUDGE BONAPFEL

OBJECTION TO CONFIRMATION

COMES NOW K. Edward Safir, Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1. The Debtor(s)' payments under the proposed plan are not current.
2. The Plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (66 months).
3. The Debtor(s) has failed to provide the Trustee with a copy of the federal tax return or transcript of such return for the most recent tax year ending immediately before the commencement of the instant case and for which a federal income tax return was filed, in violation of 11 U.S.C. Section 521(e)(2)(A)(i). Therefore, the Trustee requires that the Debtor(s) provide the Trustee with a sworn statement by the Debtor(s), in addition to the tax return, which states that the tax return provided is a true copy of the most recent tax return filed.
4. After review of scheduled income and anticipated household expenses, Debtor(s)' proposed budget may fail to provide sufficient funds for ordinary living expenses, in possible violation of 11 U.S.C. Section 1325(a)(6).
5. Pursuant to information received from the Internal Revenue Service, 2016-2018 and 2020 tax returns have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 plan, in violation of 11 U.S.C. Sections 1322(d) and 1325(a)(6).

6. The proposed plan fails to provide for the treatment of the Internal Revenue Service. However, said creditor has filed a priority claim.

7. Debtor's proposed plan Section 3.3 fails to make a check mark selection for treatment of creditors.

8. Pursuant to information received from the Meeting of Creditors, 2017-2020 tax return(s) have not been provided to the taxing authorities; thereby, preventing the Chapter 13 Trustee from evaluating the feasibility of the Chapter 13 plan, in violation of 11 U.S.C. Section 1322(d) and 1325(a)(6).

9. The Chapter 13 composition plan proposes to pay a debt of \$4,887.83 for a vehicle purchased on or about June 9, 2021; thereby, indicating a lack of good faith in proposing a repayment plan, 11 U.S.C. Section 1325(a)(3).

10. The Debtor(s)' Chapter 13 zero percent (0%) composition Plan proposes to pay an automobile debt of \$16,060.60 secured by three (3) vehicles; thereby indicating a lack of good faith in proposing the repayment Plan, in violation of 11 U.S.C. Section 1325(a)(3) and Debtor(s) is contributing an excessive amount of disposable income toward the auto purchase which could otherwise benefit the unsecured creditors, in violation of 11 U.S.C. section 1325 (b)(1)(B).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny confirmation of this Debtor's(s') Plan and to dismiss the case; or, in the alternative, convert the case to one under Chapter 7.

November 23, 2021

/s

Brandi L. Kirkland, Esq.
for Chapter 13 Trustee
GA Bar No. 423627

R21-41187-PWB

CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

DEBTOR(S):

VANCE FAMBER, JR.
P.O. BOX 6762
DALTON, GA 30722

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Electronic Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

SAEGER & ASSOCIATES

This 24th day of November, 2021

/s/

Brandi L. Kirkland, Esq.
for Chapter 13 Trustee
GA Bar No. 423627

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